

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

BRIAN WELLS,

Plaintiff,

v.

CIVIL ACTION NO. 2:15-cv-04103

PARKERSBURG WORK RELEASE CENTER. et al.,

Defendants.

**MEMORANDUM OPINION AND ORDER**

Pending before the Court are Plaintiff's application to proceed without prepayment of fees and costs, (ECF No. 1), and letter-form motion to transfer this case to the Northern District of West Virginia, stay in order to exhaust state remedies, and amend complaint, (ECF No. 5). On April 6, 2015, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation ("PF&R"). (ECF No. 4.) Magistrate Judge Tinsley filed his PF&R (ECF No. 6) on January 19, 2016, recommending that this Court dismiss the Parkersburg Work Release Center and the St. Mary's Correctional Center as non-suable entities, dismiss the remainder of Plaintiff's complaint without prejudice for failure to exhaust administrative or other state remedies, and deny as moot the remainder of Plaintiff's requests.

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and a party's right to appeal this Court's

Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).


Objections to the PF&R in this case were due on February 5, 2016. To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 6), and **DISMISSES** the Parkersburg Work Release Center and the St. Mary’s Correctional Center as non-suable entities. The Court **DISMISSES WITHOUT PREJUDICE** the remainder of Plaintiff’s complaint, (ECF No. 2) and **DENIES AS MOOT** Plaintiff’s application to proceed without prepayment of fees and costs, (ECF No. 1), and Plaintiff’s motions to transfer, amend complaint, and stay, (ECF No. 5). The Clerk is **DIRECTED** to remove this action from the Court’s docket.

**IT IS SO ORDERED.**

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: February 19, 2016

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THOMAS E. JOHNSTON  
UNITED STATES DISTRICT JUDGE